

REMARKS

In response to the provisional double patenting rejection, applicant submits a terminal disclaimer to expedite prosecution.

Applicant has also amended claim 7 to appear in independent form and has amended claims 16, 21, 22 and 32 to correct inadvertent errors. No new matter has been added, nor has the claim scope been narrowed by these amendments. Claims 7-10 are now allowable.

Claims 1-6, 11-17 and 19-34 stand rejected as anticipated by Embree. This rejection is respectfully traversed.

Independent claim 1 requires the claimed surface treating appliance to include “a linkage between the handle and the surface treating head, the linkage being arranged such that rotating the support assembly and the handle about the longitudinal axis causes the surface treating head to turn in a new direction.” Embree does not disclose or suggest this feature of the invention at all; instead, Embree teaches away from this feature. The Examiner’s analysis of Embree in the Action does not mention the claimed linkage or take into account the structure required by the linkage, which is a structure in which, by virtue of the linkage, the handle and the support structure rotate about the handle. The Examiner may think that this is only the intended result of claim 1 and not an affirmatively claimed structural feature, but that interpretation would not give effect to the language in claim 1 that the linkage is so arranged, i.e., structurally configured, that the rotating of the handle and support assembly about the longitudinal axis causes the surface treating head to turn.

Embree’s disclosure shows that Embree’s structure is incapable of carrying out the function that applicant’s claimed linkage is configured to perform and is thus not the same structure as claimed. At column 11, lines 24-27, Embree states, “The upper and lower supports 71, 72 also include handle apertures 76 that receive a shaft 47 of the handle 45. The lowermost aperture 76a has a ridge 79 that engages a slot 44 of the handle shaft 47 *to prevent the shaft from rotating.*” (Emphasis added). Embree could hardly be clearer: it does not disclose any linkage

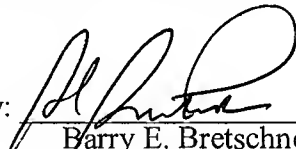
that uses the concurrent rotation of the handle and support to turn the head of the surface treating appliance. Although Embree does state at column 8, lines 14-20, that the main body of the cleaner can be reclined by using the handle to rotate the elbow sections 31 relative to exit apertures 232, this disclosure does not state that the handle and support assembly can (and must) both rotate about the longitudinal axis of the handle. Thus, Embree neither identically discloses the claimed invention nor provides any reason for a person of ordinary skill in the art to arrive at the claimed invention. This rejection should be withdrawn.

Early action allowing claims 1-17 and 19-34 is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 424662010100.

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Respectfully submitted,

By: 
Barry E. Bretschneider
Registration No. 28,055

Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
McLean, Virginia 22102
Telephone: (703) 760-7743
Facsimile: (703) 760-7777